

UNITED STATES DISTRICT COURT

DISTRICT OF MINNESOTA

State of North Dakota, et al.,

Civil File No. 11-3232 SRN/SER

Plaintiffs,

**DEFENDANTS' MOTION FOR
PARTIAL JUDGMENT ON
THE PLEADINGS**

vs.

Lori Swanson, Attorney General
of the State of Minnesota, et al.,

Defendants.

Defendants move the Court on the pleadings to dismiss counts II through VI of Plaintiffs' amended complaint, and to dismiss the Attorney General as a party, for lack of subject matter jurisdiction and for failure to state a claim upon which relief can be granted.

This motion is made pursuant to Fed. R. Civ. P. 12(c), and is based upon the files, records and proceedings herein, including the supporting memorandum of law to be filed and served by February 9, 2012, in accordance with Local Rule 7.1(b).

Dated: December 7, 2011

OFFICE OF THE ATTORNEY GENERAL
State of Minnesota

s/Jeanne M. Cochran

Jeanne M. Cochran
Assistant Attorney General
Atty. Reg. No. 0246116
jeanne.cochran@ag.state.mn.us

John S. Garry
Assistant Attorney General
Atty. Reg. No. 0208899
john.garry@ag.state.mn.us

445 Minnesota Street, Suite 1100
St. Paul, MN 55101-2128
Telephone: (651) 757-1217

AG: #2920092-v1

ATTORNEYS FOR DEFENDANTS